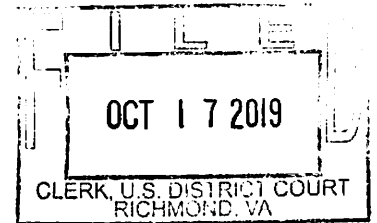


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



TREVOR FITZGIBBON,

Plaintiff,

v.

Civil Action No. 3:19cv477

JESSLYN A. RADACK,

Defendants.

ORDER

By ORDER (ECF No. 15) entered herein on October 4, 2019, the defendant was directed to file her Answer and any other motions to the Amended Complaint by October 15, 2019. On October 15, 2019, the defendant filed a MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO Fed. R. Civ. P. 12(B)(1), (B)(2), and (B)(6) (ECF No. 16). Having reviewed the motion and supporting memorandum (ECF No. 17), and finding that the applicable analysis is different depending on whether dismissal is sought pursuant to Fed. R. Civ. P. 12(b)(1), Fed. R. Civ. P. 12(b)(2) or Fed. R. Civ. P. 12(b)(6), it is hereby ORDERED that the defendant's MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO Fed. R. Civ. P. 12(B)(1), (B)(2), and (B)(6) (ECF No. 16) is denied without prejudice to the refiling of separate motions and supporting memoranda which separately analyze whether the Court has subject matter jurisdiction.

Further, on October 15, 2019, the defendant filed a MOTION FOR EXTENSION OF TIME (ECF No. 18) requesting additional time to file her Answer. Having considered the motion and the plaintiff's NOTICE (ECF No. 19) in response thereto, and there being no objection by the plaintiff, it is hereby ORDERED that the defendant's MOTION FOR EXTENSION OF TIME (ECF No. 18) is granted and the defendant shall file, by October 29, 2019, her Answer to the AMENDED COMPLAINT (ECF No. 13).

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 17, 2019